

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

KESHUNA DENIA BURNSIDE, an individual,

Plaintiff,

V.

**HIRERIGHT, LLC; and DOES 1-10
inclusive,**

Defendants.



Case No.

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

Plaintiff KESHUNA DENIA BURNSIDE (hereafter “**Plaintiff**”) files her Complaint for Damages and Demand for a Jury Trial against Defendant HIRERIGHT, LLC and DOES 1-10 inclusive (hereinafter collectively as “**Defendants**”), and alleges as follows:

NATURE OF THE ACTION

1. Defendant is a consumer reporting agency that collects and complies consumer reports. HireRight, LLC background screening services includes but not limited to on-demand employment background checks, drug testing, and education verification.
2. In February 2024, Plaintiff applied for employment with Robinson Innovations, a full-service staffing and recruiting firm on the basis that Plaintiff pass a background check.
3. On or about March 2024, Defendant completed an employment background check report (“Report”) regarding Plaintiff to Robinson Innovations.
4. The Report erroneously disclosed that Plaintiff had a Felony on her background check report.
5. Specifically, Defendant disclosed a Felony charge for House Burglary belonging to “Keyshun Burnside”, Case No: 16-0-737.

6. The aforementioned case disclosed on the report does not belong to Plaintiff, as Plaintiff has not been charged and convicted of any felonies.

7. The charge belongs to Plaintiff's brother, named Keyshun Burnside.

8. Under the **FRCA**, specifically 15 USC § 1681e(b) Defendant was required to use reasonable procedures to ensure the *maximum possible accuracy* of the information it reported about Plaintiff to Robinson Innovations. Failing to ensure an exact name match is a clear violation of this statute.

9. As a direct result of Defendant's failure to verify public records, Plaintiff was denied employment with Robinson Innovations.

10. Defendant did not have defined processes to verify the accuracy of the public records information provided.

11. Plaintiff suffered, and continues to suffer actual damages and emotional distress as a result of the denial of employment.

12. Accordingly, Plaintiff seeks recovery for her actual damages, including loss of earnings, emotional distress, and damage to her reputation. Moreover, Plaintiff seeks statutory penalties, punitive damages, as well as attorney's fees and costs.

THE PARTIES

13. Plaintiff is an individual and resident of Wichita Falls, Texas.

14. Defendant HireRight is a consumer reporting agency within the meaning of the **FCRA**, specifically 15 USC § 1681a(f) and is a routine seller of investigative consumer reports within the meaning of 15 USC § 1681a(e).

15. Defendant HireRight is headquartered at 100 Centerview Drive Suite 300 Nashville, TN 37214.

16. Plaintiff is ignorant of the Defendants sued herein as DOES 1-10, inclusive, and therefore sues those Defendants by such capacities when such information is ascertained through discovery.

17. Plaintiff is informed and believes and thereon alleges that each of the DOES 1-10 Defendants is responsible in some manner for the occurrences herein alleged and that Plaintiff's damages as herein alleged were proximately caused by such occurrences.

18. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned, Defendants DOES 1-10, were principals or agents of each other and of the named Defendants and in doing the things alleged in this complaint, were acting in the scope of such agency and with the permission and consent of Defendants.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

[Violation of 15 U.S.C. § 1681e(b)]

19. Defendant willfully and/or recklessly violated 15 U.S.C. § 1681e(b) by disclosing inaccurate information, specifically Defendant failed to use reasonable procedures to ensure that the reported information belonged to Plaintiff.

20. The first requirement of identity matching within the background check industry is to ensure all criminal history reported belongs to client. As one of the nation's largest background screening companies, Defendant is well aware of this requirement.

21. Defendant's conduct was willful and/or reckless because it knew that its failure to ensure an accurate information in accordance with public records is insufficient to ensure maximum possible accuracy of the criminal history information reported.

22. Plaintiff is informed, and believes, and thereon alleges that Defendant failed to sufficiently conduct audits, reviews, or quality control of the information it reported.

23. Alternatively, Plaintiff alleges that Defendant's violations were negligent as Defendant did not utilize reasonable procedures to ensure the reported information about Plaintiff was accurate.

SECOND CAUSE OF ACTION

[Violation of 15 U.S.C. § 1681k(a)(2)]

24. Plaintiff hereby incorporates by reference the allegations of each and every paragraph above.

25. Plaintiff is informed and believes, and thereon alleges that Defendant willfully and/or recklessly failed to use strict procedures to ensure the reported information is complete and up to date despite knowing that the erroneous public record was likely to have an adverse effect upon Plaintiff's ability to obtain employment in violation of 15 U.S.C. § 1681k(a)(2).

26. Plaintiff is informed, and believes, and thereon alleges that HireRight failed to sufficiently conduct audits, reviews, or quality control of the information it reported

27. Alternatively, Plaintiff alleges that Defendant's violations were negligent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

- a. For a declaration that Defendants' practices violate FCRA;
- b. For statutory, compensatory, special, general, and punitive damages according to proof and as applicable against all Defendants;
- c. For interest upon such damages as permitted by law;
- d. For an award of reasonable attorneys' fees provided by law under all applicable statutes;
- e. For the costs of the lawsuit;
- f. For injunctive relief as applicable; and
- g. For such other orders of the Court and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby request and demand a jury trial on all issues triable by jury.

DATED: July 31, 2024

/s/ Devin H. Fok

Devin H. Fok

(Pro Hac Vice Motion forthcoming)

California Bar No. 256599

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